

OTHER AGENCIES

NEW JERSEY MEADOWLANDS COMMISSION

District Zoning Regulations

Official Zoning Map & Transportation Center Zone

Block 16, Lot 5.01, in Secaucus

Proposed Amendment: N.J.A.C. 19:4-3.3, 19:4-5.121

Authorized By: New Jersey Meadowlands Commission

Christine Sanz, Assistant Secretary

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i).

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2006-

A public hearing on this matter will be held on October 24, 2006, at 10:00 A.M. at:

New Jersey Meadowlands Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Submit written comments by December 1, 2006 to:

Ileana Kafrouni, P.P., AICP

Director of Land Use Management/Chief of Regulatory Affairs

New Jersey Meadowlands Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

The agency proposal follows:

Summary

On May 8, 2006, a petition for rulemaking was received by Mr. William Stefan, on behalf of Intermodal Properties, regarding the property identified as 501 New County Road, Block 16, Lot 5.01, in Secaucus, New Jersey. Intermodal Properties is the owner of the subject property. A Notice of Receipt of Rulemaking Petition regarding this matter was published in the New Jersey

Register at 38 N.J.R. 2748(a) on June 19, 2006. The petition requests the NJMC rezone the subject property from its existing zoning of Intermodal B to the Transportation Center zone.

At its regularly scheduled meeting of May 24, 2006, the NJMC authorized Staff to prepare and submit a Notice of Proposal to the Office of Administrative Law for publication in the New Jersey Register and hold a public hearing in order to receive input from the general public regarding the possible rezoning of the subject property.

In response to the rulemaking petition, the NJMC received a letter dated July 26, 2006 by John K. Fiorilla, of Capehart Scatchard, counsel for Norfolk Southern Railway Company, an adjoining property owner, requesting that the NJMC postpone action on the rezoning proposal. Norfolk Southern has filed an application with the New Jersey Department of Transportation to condemn the property in question for use in association with Croxton Yards, proximate to the site. However, the NJMC has determined that the proposed rezoning merits evaluation based on land use considerations alone and, therefore, continues with the rulemaking process. However, Norfolk Southern is provided the opportunity to offer additional comment during the public comment period.

The property in question contains approximately 5.81 acres, and is currently improved with an approximately 76,500-square-foot distribution building. The site also contains a high degree of impervious coverage, utilized for truck parking and container storage.

The site is bounded by Seaview Drive Extension to the west; railroad property to the north belonging to Penn Lines, LLC used for truck parking and container storage; an unnamed right-of-way to the east; and, Penhorn Creek, which also serves as the municipal border with Jersey City, to the south. A 10-foot-wide drainage easement by the New Jersey Turnpike Authority exists along the property's western boundary line.

The subject property is contiguous to the Transportation Center zone, and proximate to the Frank R. Lautenberg Rail Station at Secaucus Junction (hereafter, Secaucus Junction), a regional commuter rail transfer station on the Northeast Corridor and the NJ Transit Main and Bergen Lines. The NJMC's Secaucus Transit Village Redevelopment Area is located to the northwest of the property in question, beyond Secaucus Junction. The Norfolk Southern Croxton Yards intermodal operation is also located in the vicinity of the site, to the east.

The subject property is currently zoned Intermodal B. The petitioner is seeking a rezoning of the property to the Transportation Center zone, for the purposes of constructing a bus garage for commuter buses and a multi-level commercial parking structure to service Secaucus Junction. The neighboring properties to the north, east, and west are zoned Transportation Center, and properties to the south, beyond Penhorn Creek in Jersey City, are zoned Intermodal B.

The parcel in question is currently located in the Intermodal B zone. This zone is designed to accommodate high-intensity transportation facilities that are located proximate to rail lines in the District and whose operations are related to port and rail activities, as well as uses related to the construction industry. The Transportation Center zone is designed to accommodate a major commuter transfer center, associated commercial uses, and appropriate supporting uses to service the daily needs of the users of the zone.

The Transportation Center zone encompasses the former Transportation Center 3 - Specially Planned Area, which had been the subject of a General Plan approval for a regional rail transfer station and approximately 4.7 million square feet of commercial development, known as Allied Junction. The comprehensive revision to the NJMC regulations effective February 17, 2004 eliminated specially planned areas from the District Zoning Regulations, but retained the boundaries of the Transportation Center 3 - Specially Planned Area and termed it the Transportation Center zone.

The current zoning of Intermodal B permits the existing distribution use on the site and heavier-intensity industrial uses, such as building materials and contractor's yards, recycling facilities, and railroad yards. A bus garage is also a permitted use, but commercial off-street parking is not.

The NJMC staff, in reviewing the petition and evaluating the particular location of the site within the District, recognizes that rezoning the subject property to Transportation Center would result in a better planning option for future use of the site. The site is located along Seaview Drive Extension, the main access road serving Secaucus Junction and the southern end of Secaucus from New Jersey Turnpike Interchange 15X. The site's proximity to Secaucus Junction, the ability to provide a direct connection to and from the New Jersey Turnpike, and the potential to provide uses of a regional nature with minimal impact on existing and planned surrounding uses, all result in a suitable location to provide uses consistent with the intent and purpose of the Transportation Center zone.

Currently, the subject property is the only site zoned Intermodal B north of Penhorn Creek in Secaucus. All properties to the north, east, and west of the subject site are zoned Transportation Center. Although the property is also contiguous to the Intermodal B zone, a physical disconnect exists to other properties in the Intermodal B zone to the south in Jersey City by the presence of Penhorn Creek. Upon examination of the existing and proposed zoning map attached herein, it becomes more evident that the subject parcel is the "missing link" that will promote a more comprehensive land use arrangement in the Transportation Center zone by filling in the gap that currently exists between the extents of the zone.

The petitioner also requests that the permitted lot coverage in the zone be increased to 80 percent. Lot coverage is defined in N.J.A.C. 19:4-2.2 as the percentage of lot area covered by structures. The NJMC staff concurs that a high degree of coverage in the Transportation Center zone is appropriate, due to the character of existing, approved, and planned development and right-of-way configurations in the zone and in the general vicinity. However, based on an analysis of development potential, NJMC staff has determined that 80 percent coverage, when applying the 15 percent open space requirement that exists in the zone, is excessive. Additional area will be required for items such as stormwater management, potential emergency access requirements around the perimeter of proposed structures, and drive aisles. The NJMC staff analysis has determined that a maximum lot coverage of 70 percent can be accommodated in the zone.

The proposed rezoning will promote the utilization of the subject parcels in a manner consistent with the planned character of neighboring properties, and more appropriate to the lot in question, due to its particular location in the District. For these reasons, the NJMC staff agrees that the site should be rezoned to Transportation Center

The NJMC has provided a 60-day comment period in this notice of proposal. Thus, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

A detailed summary of the proposed rule amendment follows:

N.J.A.C. 19:4-5.118 Transportation Center zone; permitted uses and N.J.A.C. 19:4-5.119 Transportation Center zone; special exception: "Commercial off-street parking as a principal use" is proposed to be deleted as a special exception use and "commercial off-street parking" is proposed as a permitted use. A special exception use is a permitted use that is subject to certain conditions for the location and operation of such a use. The criteria under which a special exception use is evaluated primarily relate to the impact of the proposed use on the neighborhood in which it is located. The impacts of the particular use within the specified zone, i.e., commercial off-street parking within the Transportation Center zone, will be addressed pursuant to the traffic impact statement requirement in existing N.J.A.C. 19:4-7.10. Therefore, the ability to regulate the intensity of the use is preserved in the proposed amendment.

N.J.A.C. 19:4-5.121 Transportation Center zone; bulk requirements: This rule is proposed to be amended as follows:

Subparagraph (a)1 is proposed to be amended to increase the lot coverage from 50 percent to 70 percent. Although the petitioner has requested an increase in the permitted lot coverage to 80 percent, the NJMC staff has determined that a maximum lot coverage of 70 percent is more reasonable, in order to provide sufficient space for site design requirements such as stormwater quality controls, and sufficient circulation aisles. Due to the location of the zone

within the land use arrangement, the existing and planned uses in the zone, and the capability of these uses to attract users on a regional level, a higher degree of coverage is more appropriate in this particular zone in comparison to other zones in the District.

A new subparagraph (a)3 is proposed to be added to provide a minimum setback of buildings from public rights-of-way. Public rights-of-way include both roadways and rail lines. This regulation provides an alternative approach to a front yard setback requirement. Whereas areas within the front yard must remain open space, in the proposed rule, the building would be required to be set back from the roadway, but the area within the setback may contain impervious area to provide for items such as driveways and paved emergency access drives. The proposed setback requirement promotes flexibility in the development of properties in the zone, due to the road and rail rights-of-way in the area.

Existing subparagraph (a)3 is proposed to be recodified as subparagraph (a)4.

Existing subparagraph (a)4, which provides for a maximum floor area of 4.7 million square feet in the zone, is proposed to be deleted and replaced by subparagraph (a)5, which provides for a maximum FAR of 4.0, except for commercial off-street parking uses, where one square foot of every two square feet of floor area shall apply to the FAR calculation. The existing regulation, which provides for 4.7 million square feet of floor area in the zone, is based on a General Plan approval that had existed prior the effective date of the NJMC District Zoning Regulations of February 17, 2004. All the properties in the existing zone are under single ownership. By introducing another property owner into the zone, the NJMC staff determined that the provision of a maximum floor area for the zone was no longer valid. The application of a 4.0 FAR retains the development potential approved in the General Plan for the existing Transportation Center zone. Simultaneously, the NJMC staff seeks to encourage the provision of parking to serve Secaucus Junction commuters and future workers and residents in the area, by providing a bonus FAR for commercial parking uses by applying one square foot of floor area toward the FAR calculation for every two square feet of floor area for the use.

Social Impact

It is anticipated that the proposed rezoning of the subject property from the Intermodal B zone to the Transportation Center zone will result in a positive social impact. The rezoning provides the ability for the Commission to encourage the provision of uses to service Secaucus Junction, which is presently underutilized. Among the many uses permitted in the Transportation Center zone, the petitioner has expressed an intention to construct a bus garage and commercial parking structure for users of Secaucus Junction on the subject property. The

construction of such a use will promote mass transit usage and will likely attract users on a regional level, thereby reducing congestion on area roadways.

Furthermore, commercial development at this particular location would promote a more visually pleasing environment than the permitted uses in the Intermodal B zone. This is an important consideration, particularly when considering the NJMC's redevelopment efforts to create a transit village in the area north of Secaucus Junction.

Therefore, it appears no negative social impact will occur as a result of the proposed rezoning.

Economic Impact

It is anticipated this rezoning will have an overall positive economic impact on the District. The current Intermodal B zoning provides for uses that often do not operate within enclosed buildings and contain a high degree of outdoor storage. The proposed zoning for commercial uses provides for dense, high-rise development due to the regional mass transit available at Secaucus Junction, resulting in a higher and better use of the land than is otherwise possible under the existing zoning.

The NJMC is not aware of any funding sources that may be impacted by the proposed rezoning. There will not be a detrimental economic impact on the public, and there are no foreseen economic impacts on implementing agencies. The NJMC is the agency with zoning jurisdiction and there are no administrative, enforcement or oversight costs to this agency as a result of this rezoning.

Federal Standards Statement

The Hackensack Meadowlands District is located within the Federally designated Coastal Zone Management Area for New Jersey (designated in accordance with 15 C.F.R. 923.53(a)(1)). The NJMC acts as the lead coastal planning and management agency for the Meadowlands District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

The NJMC District Zoning Regulations serve as a regulatory tool for meeting the goals and rules established by the New Jersey Coastal Management Program. The proposed rule change does not contain any requirements or standards in excess of those imposed under Federal law.

Jobs Impact

The proposed rezoning will have a positive impact on jobs in the District. The petitioner intends to construct a commercial parking structure and a bus garage at the subject property, which will result in increased employment in the construction industry. Long-term positive jobs impacts would also result. For example, the construction of a bus garage would increase transit opportunities, and will likely result in additional jobs for bus drivers and maintenance technicians. The provision of commuter parking to service Secaucus Junction would provide jobs to service commuters, yet more notably, may act as a catalyst to spur other commercial development in the region, resulting in significant job growth.

The employment levels that would be generated by the permitted uses would compensate for the loss of the existing industrial use at the property.

Agricultural Industry Impact

The proposed amendment will have no impact on the agriculture industry in New Jersey. The property has not been used for any agricultural purposes or related purposes.

Regulatory Flexibility Statement

The proposed amendment does not impose additional reporting, record keeping or other compliance requirements on small businesses, which means any business which is resident in New Jersey, independently owned and operated, not dominant in its field, and which employs fewer than 100 full time employees.

The Transportation Center zone is designed to accommodate a major commuter transfer center, associated commercial uses, and appropriate supporting uses to service the daily needs of the users of the zone. The permitted uses in the zone allow a variety of commercial uses, such as office, hotel, and retail uses, as well as uses supportive of transit, such as bus garages and commercial parking.

Therefore, the proposed amendment will have no impact on the existing requirement that the property owner obtain all permits and or/ applicable approvals from the NJMC.

Smart Growth Impact

Although the provisions of the New Jersey State Development and Redevelopment Plan do not apply to the NJMC (pursuant to N.J.S.A. 52:18A-206), the NJMC Master Plan sets forth smart growth principles to guide growth within the Meadowlands District consistent with State policy. The NJMC rules serve as the implementation tool of this policy.

It is anticipated that the proposed amendment will positively impact the achievement of Smart Growth, both in the District, and on a regional level. By providing opportunities for new employment and services for Secaucus Junction, the NJMC will be encouraging use of mass transit and, thereby, furthering the goals of the State's Smart Growth policy.

Full text of the proposal follows:

19:4-3.3 Official Zoning Map

Change the zoning designation of Block 16, Lot 5.01 in the Town of Secaucus from Intermodal B to Transportation Center.

19:4-5.117 Transportation Center zone; purposes

(No change.)

19:4-5.118 Transportation Center zone; permitted uses

(a) The permitted uses in the Transportation Center zone are:

1. - 3. (No change.)

4. Commercial off-street parking;

Recodify existing numbers 4. through 18. as numbers 5. through 19.

19:4-5.119 Transportation Center zone; special exception uses

(a) The special exception uses in the Transportation Center zone are:

[1. Commercial off-street parking as a principal use;]

Recodify existing numbers 2. and 3. as numbers 1. and 2.

19:4-5.120 Transportation Center zone; lot size requirements

(No change.)

19:4-5.121 Transportation Center zone; bulk regulations

(a) The bulk regulations in the Transportation Center zone are:

1. Maximum lot coverage: [50]**70** percent;

2. Minimum open space: 15 percent;

3. Minimum setback of buildings from front lot line: 20 feet;

[3.]**4.** Maximum building height: 40 stories, excluding antennas; and

[4. Maximum floor area: 4.7 million gross square feet in the zone.]

5. Maximum FAR: 4.0, except for commercial off-street parking uses, where one square foot of every two square feet of floor area shall apply to the FAR calculation.

19:4-5.122 Transportation Center zone; performance standards

(No change.)

OFFICE OF ADMINISTRATIVE LAW NOTE: The Official Zoning Map is not reproduced herein, but may be reviewed at the following locations:

New Jersey Meadowlands Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Office of Administrative Law

Quakerbridge Plaza, Building 9

Quakerbridge Road

Trenton, New Jersey 08625